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Regulations and Non-Regulatory Revisions to State Implementation Plan California-Siskiyou County

Atlantic Environmental Associates, Inc.
Waltham, MA

Prepared for

Environmental Protection Agency
Research Triangle Park, NC

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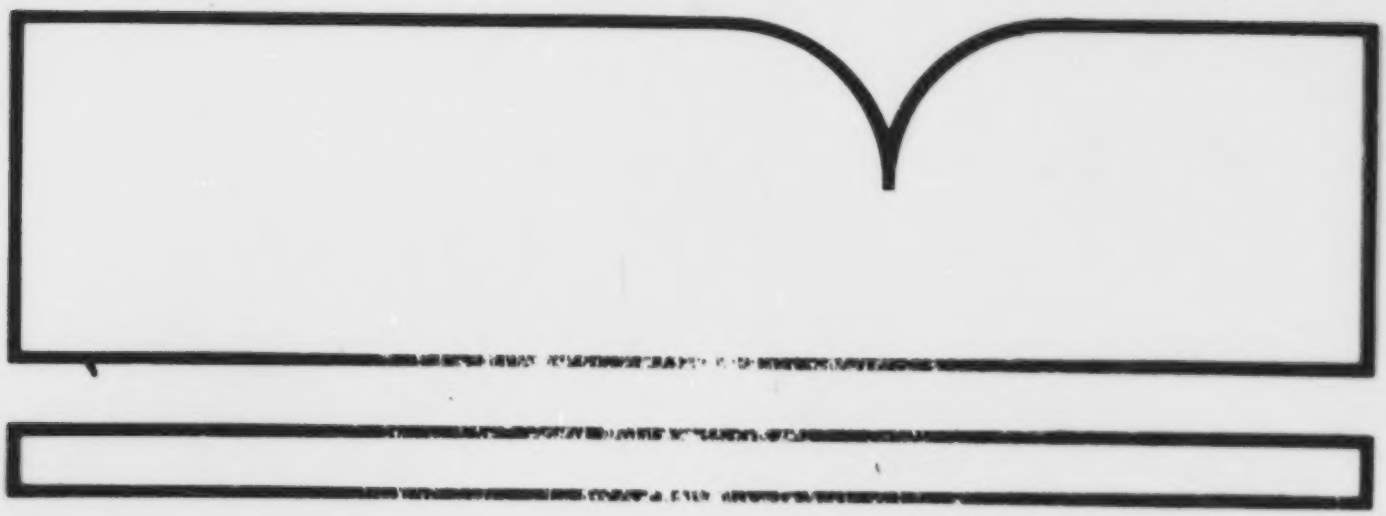

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Regulations and Non-Regulatory Revisions to State Implementation Plan: California-Siskiyou County

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EPA-450/2-81-024-34

Regulations and Non-Regulatory Revisions to State Implementation Plan: California-Siskiyou County

By

Atlantic Environmental Associates, Inc.
59 Vernon Street
Waltham, MA 02154

Contract No. 68-02-3565

EPA Project Officer: Willis P. Beal

Prepared for

U.S ENVIRONMENTAL PROTECTION AGENCY
Control Programs Development Division
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July 1981

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16. ABSTRACT

This document has been produced in compliance with Section 110(h) of the Clean Air Act, as amended in 1977, which mandates periodic publication of State Implementation Plan (SIP) requirements. The first section of the document comprises the Federally approved SIP regulations. It consists of the EPA-approved State and/or local air pollution control regulations cited by reference in the Federal Register; regulations promulgated as of August 1, 1981 have been included in this document.

The present compilation constitutes an update of a previous documentation of regulations as of December 31, 1979. State and/or local air quality regulations which have not been Federally approved as of August 1, 1981, are not included. However, any omissions of regulations from this document in no way affects the ability of the respective Federal, State, or local agencies to enforce such regulations. A summary sheet of the regulatory revisions is provided to give a quick historical assessment of the changes.

The second part of the document contains the text of non-regulatory SIP revisions specific to the APCD approved by EPA up to August 1, 1981, excluding notices or certifications of public hearings and technical support data. A complete tabulation of these revisions is also provided. The text of non-regulatory SIP revisions applicable statewide are contained in a supplementary document.

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PREFACE

This document has been produced in compliance with Section 110(h) of the Clean Air Act, as amended in 1977, which mandates periodic publication of State Implementation Plan (SIP) requirements. The first section of the document comprises the Federally approved SIP regulations. It consists of the EPA approved State and/or local air pollution control regulations cited by reference in the Federal Register; all regulations Federally promulgated as of August 1, 1981 have been included.

The present compilation constitutes an update of a previous documentation of regulations as of December 31, 1979.* State and/or local air quality regulations which have not been Federally approved as of August 1, 1981 are not included. However, any omissions of regulations from this document in no way affects the ability of the respective Federal, State or local agencies to enforce such regulations.

This document is not intended to provide a tool for determining the enforceability of any given regulation. Rather, it is intended to provide a comprehensive compilation of those regulations which are incorporated by reference into Title 40, Part 52, of the Code of Federal Regulations (CFR). The exclusion of a Federally approved regulation from this document does not diminish the enforceability of the regulation. Similarly, the inclusion of a given regulation in this document does not, in itself, render the regulation enforceable by either the State/local agency or EPA.

The regulations have been organized in this document according to the official State/local agency format. Federal regulations pertaining to a given State are not included herein but can be found under Title 40 Code of Federal Regulations, Part 52.

Additionally, a summary sheet of the regulatory revisions is included to provide a quick historical assessment of the changes. These summary sheets contain the date of submittal to EPA of each revision and the Federal Register publication date on which the revision was approved by EPA. A brief description of the regulation which was submitted is also included.

In accordance with the Act, the second part of the document contains non-regulatory SIP revisions specific to the Air Pollution Control District approved by EPA up to August 1, 1981. All approved non-regulatory revisions listed under Identification of Plan in the CFR are included except notices or certifications of public hearings, and technical support data. (The text of non-regulatory SIP revisions applicable statewide are contained in a supplementary document.) Non-regulatory submittals which have only received EPA approval on selected elements are included in their entirety with an accompanying indication of the status of Federal actions on the non-approved elements. The non-regulatory revisions have been organized in this document according to the date of publication of EPA approval in the Federal Register. For historical completeness, a complete tabulation of these revisions is provided at the beginning of this second section.

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* Applicable State Implementation Plan (SIP): California: Siskiyou County, EPA-909/9-79-006-34, EPA, Region IX, San Francisco, CA, January, 1980.

SUMMARY OF
EPA-APPROVED REGULATORY REVISIONS TO SISKIYOU COUNTY APCD SIP
BETWEEN DECEMBER 31, 1979 AND JULY 31, 1981

Publication of Approval	Submittal Date	Page	Document Description
10/24/80	01/02/79	45FR70449	Amendments to Rule 4.3 Open Fires is disapproved since it is inconsistent with 40 CFR Part 51 requirements. However, upon receipt of the amended agricultural burning rules EPA will review and incorporate intc the SIP any approvable rules.

The dates shown with these rules are the submittal dates. See the Summary of EPA-Approved Regulatory Revisions table for approval dates.

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REGULATION I - GENERAL PROVISIONS

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RULE 1.1 Title These rules and regulations shall be known as the Rules and Regulations of the Siskiyou County Air Pollution Control District.

RULE 1.2 Definitions Except as otherwise specifically provided in these rules and, except where the context otherwise indicates, words used in these Rules are used in exactly the same sense as the same words are used in the Health and Safety Code.

A. Agricultural Burning "Agricultural Burning" means open outdoor fires used in agricultural operations in the growing of crops or raising of fowls or animals, forest management, or range improvement.

B. Air Contaminant "Air Contaminant" includes smoke, charred paper, dust, soot, grime, carbon, aerosols, noxious acids, fumes, gases, odors, or particulate matter, or any combination thereof.

C. Atmosphere "Atmosphere" means the air that envelopes or surrounds the earth.

D. Board "Board" means the Air Pollution Control Board of the Siskiyou County Air Pollution Control District, which is the Board of Supervisors.

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E. Combustible Waste "Combustible Waste" is any solid or liquid combustible waste material containing carbon in a free or combined state.

F. Combustion Contaminants "Combustion Contaminants" are particulate matter discharged into the atmosphere from the burning of any kind of material containing carbon in a free or combined state.

G. Condensed Fumes "Condensed Fumes" are minute, solid particles generated by the condensation of vapors from solid matter after volatilization from the molten state, or may be generated by sublimation, distillation, calcination, or chemical reaction, when these processes create air-borne particles.

H. Control Officer "Control Officer" means the Air Pollution Control Officer of the Siskiyou County Air Pollution Control District.

I. District "District" is the Siskiyou County Air Pollution Control District.

J. Dusts "Dusts" are minute, solid particles released into the air by natural forces or by mechanical processes such as crushing, grinding, milling, drilling, demolishing, shoveling, conveying, covering, bagging, sweeping, or other similar processes.

K. Hearing Board "Hearing Board" means the Hearing Board of the Siskiyou County Air Pollution Control District.

L. Incinerator "Incinerator" means any furnace or similar enclosed fire-chamber, with or without a draft control, used for burning refuse or other waste material.

M. Institutional Facility "Institutional Facility" means any hospital, boarding home, school, corporation yard, or like facility.

N. Multiple-Chamber Incinerator "Multiple-Chamber Incinerator" is any article, machine, equipment, contrivance, structure, or any part of a structure used to dispose of combustible refuse by burning; consisting of three or more refractory lined chambers in series; physically separated by refractory walls; interconnected by gas passage ports or ducts; and employing adequate design parameters necessary for maximum combustion of the material to be burned. The refractories shall have a pyrometric cone equivalent of at least 17, tested according to the method described in the American Society of Testing Materials, method C-24.

O. Open Outdoor Fire "Open Outdoor Fire" as used in these regulations mean complete or partial burning or smoldering of any combustible refuse or other material of any type, directly exposed to the atmosphere, whether or not enclosed in a fire-proof container, where the products of combustion are not channeled through a flue.

P. Particulate Matter "Particulate Matter" is any material, except uncombined water, which exists in a finely divided form as a liquid or solid at standard conditions.

Q. Person "Person" means any person, firm association, organization, partnership, business trust, corporation, company, contractor, supplier, installer, user or owner, or any state or local governmental agency or public district or any officer or employee thereof.

R. Process Weight Per Hour "Process Weight" is the total weight of all materials introduced into any specific process which process may cause any discharge into the atmosphere. Solid fuels charged will be considered as part of the process weight, but liquid and gaseous fuels and combustion air will not. "The Process Weight Per Hour" will be derived by dividing

the total process weight by the number of hours in one complete operation from the beginning of any given process to the completion thereof, excluding any time during which the equipment is idle.

S. Regulation "Regulation" means one of the major subdivisions of Rules of the Siskiyou County Air Pollution Control District.

T. Residential Rubbish "Residential Rubbish" means refuse originating from residential uses and includes wood, paper, cloth, cardboard, tree trimmings, leaves, lawn clippings, and dry plants.

U. Rule "Rule" means a rule of the Siskiyou County Air Pollution Control District.

V. Section "Section" means section of the Health and Safety Code of the State of California unless some other statute is specifically mentioned.

W. Standard Conditions As used in these regulations, "Standard Conditions" are a gas temperature of 60 degrees Fahrenheit and a gas pressure of 14.7 pounds per square inch absolute. Results of all analyses and tests shall be calculated and reported at this gas temperature and pressure.

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X. Variance "Variance" means an authorization by the hearing board to permit some act contrary to the requirements specified by these Rules and Regulations.

Y. Multi-Component System A "Multi-component System" is a collection, or combination, of mutually dependent articles, structures, or devices customarily or necessarily started, operated and taken out of service as a unit.

Z. Shall and May As used in these Rules and Regulations "Shall" is mandatory, "May" is permissive.

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Source Operation means the last operation preceding the emission of an air contaminant which operation:

a. Results in the separation of air contaminants from the process materials or in the conversion of the process materials into air contaminants, as in the case of combustion of fuels.

b. Is not an air pollution abatement operation.

Total Reduced Sulfur (TRS) means reduced sulfur contained in hydrogen sulfide, mercaptains, dimethyl sulfide, dimethyl disulfide or other organic sulfide compounds, all expressed as hydrogen sulfide. Sulfur dioxide, sulfur trioxide, or sulfuric acid are not to be included in the determination of TRS.

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RULE 1.3 AIR POLLUTION DATA Trade secrets defined

A. All information, analyses, plans, or specification that disclose the nature, extent, quantity, or degree of air contaminants which any article, machine,

equipment, or other contrivance will produce, which the air pollution control district requires any applicant to provide before such applicant builds, erects, alters, replaces, operates, sells, rents, or uses such article, machine, equipment, or other contrivance, are public records.

B. All air monitoring data, including data compiled from stationary sources, are public records.

C. Trade secrets are not public records under this section. "Trade Secrets", as used in this section, may include, but are not limited to, any formula, plan, pattern, process, tool, mechanism, compound, procedure, production data, or compilation of information which is not patented, which is known only to certain individuals within a commercial concern who are using it to fabricate, produce, or compound an article of trade or a service having commercial value, and which gives its user an opportunity to obtain a business advantage over competitors who do not know or use it.

RULE 1.4 Enforcement These Rules and Regulations shall be enforced by the Air Pollution Control Officer pursuant to all applicable law. The pursuit of any one such remedy shall not be deemed an election of remedies. All available remedies may be

pursued individually, collectively, concurrently, or consecutively, at the option of the Air Pollution Control Officer.

RULE 1.5 Orders for Abatement The Clerk of the Hearing Board shall, on the petition of the Air Pollution Control Officer, or may, upon receipt of a petition from any other interested person, which adequately establishes sufficient facts to support a violation, notice a hearing to determine the existence of any alleged violation of any statute, rule, or regulation prohibiting or limiting the discharge of air contaminants into the atmosphere. Each notice shall include the nature of the alleged violation, the time and place of the hearing and shall inform the alleged violator that he has the right to counsel at the proceedings, the right to compel attendance of witnesses on his behalf, the right to cross examine witnesses, and the right to procure a court reporter to record and/or transcribe the proceedings, all at his own expense. All such petitions shall be set for hearing or dismissed within thirty (30) days of receipt of same. Hearings shall be set no sooner than ten (10) days and no later than sixty (60) days from the date of service of such notice. Whenever the Hearing Board finds that any person is in violation of any such statute, rule or regulation, the Air Pollution Control Board may issue its order of abatement.

REGULATION II - PERMIT SYSTEM

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RULE 2.1 Permits Required

A. Authority to Construct Any person building, erecting, altering or replacing any article, machine, equipment or other contrivance, or multi-component system, the use of which may cause the issuance of air contaminants or the use of which may eliminate or reduce or control the issuance of air contaminants, shall first obtain authorization for such construction from the Air Pollution Control Officer. An Authority to Construct shall remain in effect until the permit to operate the equipment for which the application was filed is granted or denied or the application is cancelled.

B. Permit to Operate Before any article, machine, equipment or other contrivance, or multi-component system, described in Rule 2.1 (A) may be operated or used, a written permit shall be obtained from the Air Pollution Control Officer. No Permit to Operate or use shall be granted either by the Air Pollution Control Officer or the Hearing Board for any article, machine, equipment, or contrivance described in

Rule 2.1 (A), constructed or installed without authorization as required by Rule 2.1 (A), until the information required is presented to the Air Pollution Control Officer and such article, machine, equipment or contrivance is altered, if necessary, and made to conform to the standards set forth in Rule 2.8 and elsewhere in these Rules and Regulations.

C. Posting of Permit to Operate A person who has been granted under Rule 2.1 a Permit to Operate any article, machine, equipment, or other contrivance described in Rule 2.1 (B), shall firmly affix such Permit to Operate, an approved facsimile, or other approved identification bearing the permit number upon the article, machine, equipment, or other contrivance in such a manner as to be clearly visible and accessible. In the event that the article, machine, equipment, or other contrivance is so constructed or operated that the Permit to Operate cannot be so placed, the Permit to Operate shall be mounted so as to be clearly visible in an accessible place within 25 feet of the article, machine, equipment, or other contrivance, or maintained readily available at all times on the operating premises.

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D. A person shall not wilfully deface, alter, forge, counterfeit, or falsify a permit to operate any article, machine, equipment, or other contrivance.

E. A Permit to Operate shall be obtained by existing industries within 180 days of adoption of these Rules and Regulations.

RULE 2.2 Exemptions An Authority to Construct or a Permit to Operate shall not be required for:

A. Vehicles as defined by the Vehicle Code of the State of California, but not including any article, machine, equipment or other contrivance mounted on such vehicle that would otherwise require a permit under the provisions of these Rules and Regulations.

B. Vehicles used to transport passengers or freight.

C. Equipment utilized exclusively in connection with any structure, which structure is designed for and used exclusively as a dwelling for not more than four families including incenerators and barbecue equipment not used for commercial purposes.

D. Incinerators used in connection with any structure, which structure is designed for and used exclusively as a dwelling for not more than two families.

E. Outdoor recreational and cooking fires to include barbecues.

F. The following equipment:

(1) Comfort air conditioning or comfort ventilating systems which are not designed to remove air contaminants generated by or released from specific units or equipment.

(2) Refrigeration units except those used as, or in conjunction with, air pollution control equipment.

(3) Piston type internal combustion engines.

(4) Water cooling towers and water cooling ponds not used for evaporative cooling of process water or not used for evaporative cooling of water from barometric jets or from barometric condensers.

(5) Equipment used exclusively for steam cleaning.

(6) Presses used exclusively for extruding metals, minerals, plastics or wood.

(7) Equipment used exclusively for space heating, other than boilers.

(8) All sheet-fed printing presses and all other printing presses using exclusively inks containing less than 10% organic solvents, diluents, or thinners.

(9) Equipment used exclusively for the dyeing or stripping (bleaching) of textiles where no organic solvents, diluents, or thinners are used.

(10) Lint traps used exclusively in conjunction with dry cleaning tumblers.

(11) Equipment used in eating establishments for the purpose of preparing food for human consumption.

(12) Equipment used exclusively to compress or hold dry natural gas.

(13) Abrasive blast cabinet-dust filter integral combination units where the total internal volume of the blast section is 50 cubic feet or less.

(14) Batch mixers of 5 cubic feet rated working capacity or less.

(15) Equipment used exclusively for the mixing and blending of materials at ambient temperature to make water based adhesives.

(16) Smokehouses in which the maximum horizontal inside cross-sectional area does not exceed 20 square feet.

(17) Platen presses used for laminating.

(18) Veneer dryers and dry kilns.

G. The following equipment of any exhaust system or collector serving exclusively such equipment:

(1) Ovens, mixers and blenders used in bakeries where the products are edible and intended for human consumption.

(2) Laboratory equipment used exclusively for chemical or physical analyses and bench scale laboratory equipment.

(3) Confection cookers where the products are edible and intended for human consumption.

(4) Photographic process equipment by which an image is reproduced upon material sensitized to radiant energy.

(5) Brazing, soldering, or welding equipment.

(6) Equipment used for buffing (except automatic or semi-automatic tire buffers) or polishing, carving, cutting, drilling, machining, routing, sanding, sawing, surface grinding or turning of ceramic artwork, ceramic precision parts, leather, metals, plastics, rubber, fiberboard, masonry, asbestos, carbon or graphite.

(7) Equipment used for carving, cutting, drilling, surface grinding, planing, routing, sanding, sawing, shredding, or turning of wood, or the

pressing or storing of sawdust, wood chips or wood shavings.

(8) Laundry dryers, extractors or tumblers used for fabrics cleaned only with water solutions of bleach or detergents.

(9) Vacuum producing devices used in laboratory operations or in connection with other equipment which is exempt by Rule 2.2.

H. Steam generators, steam superheaters, water boilers, water heaters, and closed heat transfer systems that are fired exclusively with one of the following:

(1) Natural gas.

(2) Liquefied petroleum gas.

(3) A combination of natural gas and liquefied gas.

(4) Hog fuel or wood products.

I. Natural draft hoods, natural draft stacks or natural draft ventilators.

J. Containers, reservoirs, or tanks used exclusively for:

(1) Storage of liquefied gases.

(2) The storage of fuel oils with a gravity of 25° API or lower.

(3) The storage of lubricating oils.

(4) The storage of fuel oils with a gravity of 40° API or lower and having capacity of 10,000 gal-

lons or less.

(5) The storage of organic liquids, except gasoline, normally used as solvents, diluents or thinners, inks, colorants, paints, lacquers, enamels, varnishes, liquid resins or other surface coatings, and having a capacity of 6,000 gallons or less.

(6) The storage of liquid soaps, liquid detergents, vegetable oils, waxes or wax emulsions.

(7) The storage of asphalt.

(8) The storage of gasoline having a capacity of less than 250 gallons.

(9) Transporting materials on streets or highways.

K. Crucible furnaces, pot furnaces or induction furnaces, with a capacity of 1,000 pounds or less each, in which no sweating or distilling is conducted and from which only precious metals are poured or in which only precious metals are held in a molten state.

L. Vacuum cleaning systems used exclusively for industrial, commercial, or residential housekeeping purposes.

M. Structural changes which cannot change the quality, nature, or quantity of air contaminant emissions.

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N. Repairs or maintenance not involving structural changes to any equipment for which a permit has been granted.

O. Identical replacements in whole or in part of any article, machine, equipment, or other contrivance where a Permit to Operate had previously been granted for such equipment under Rule 2.1.

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Section P. Self propelled mobile construction equipment other than pavement burners.

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RULE 2.3 Transfers An Authority to Consturct or Permit to Operate shall not be transferable, whether by operation of law or otherwise from one location to another, or from one piece of equipment to another, except on written approval of the Air Pollution Control Officer.

RULE 2.4 Applications Every application for an Authority to Construct or Permit to Operate, required under Rule 2.1, shall be filed in the manner and form prescribed by the Air Pollution Control Officer and shall give all the information necessary to enable the Air Pollution Control Officer to make the determination required by Rule 2.8 hereof.

RULE 2.5 Cancellation of Applications

A. An Authority to Construct shall expire and the application shall be cancelled two (2) years from the date of issuance of the Authority to Construct.

B. An application for Permit to Operate existing equipment shall be cancelled two (2) years from the date of filing of the application.

RULE 2.6 Action on Application The Air Pollution Control Officer shall act, within a reasonable time, on an application for Authority to Construct or Permit to Operate and shall notify the applicant in writing of his approval, conditional approval, or denial.

RULE 2.7 Provision of Sampling and Testing Facilities A person operating or using any article, machine, equipment, or other contrivance for which these rules require a permit, shall provide and maintain such sampling and testing facilities as specified in the Authority to Construct or Permit to Operate.

RULE 2.8 Standards for Granting Applications

A. The Air Pollution Control Officer shall deny an Authority to Construct or Permit to Operate except as provided in Rule 2.9, if the applicant does not show that every article, machine, equipment, other contrivance, or multi-component system, the use of which

may cause the issuance of air contaminants or the use of which may eliminate or reduce or control the issuance of air contaminants, is so designed, controlled, or equipped with such air pollution control equipment, that it may be expected to operate without emitting or without causing to be emitted air contaminants in violation of Sections 24242 or 24243, Health and Safety Code, or of these Rules and Regulations.

B. Before an Authority to Construct or a Permit to Operate is granted, the Air Pollution Control Officer may require the applicant to provide and maintain such facilities as are necessary for sampling and testing purposes in order to secure information that will disclose the nature, extent, quantity or degree of air contaminants discharged into the atmosphere from the article, machine, equipment or other contrivance described in the Authority to Construct or Permit to Operate. In the event of such requirements, the Air Pollution Control Officer shall notify the applicant in writing of the required size, number and location of sampling holes; the size and location of the sampling platform; the access to the sampling

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platform; and the utilities for operating the sampling and testing equipment. The platform and access shall be constructed in accordance with the General Industry Safety Orders of the State of California.

C. In acting upon a Permit to Operate, if the Air Pollution Control Officer finds that the article, machine, equipment, or other contrivance has been constructed not in accordance with the Authority to Construct, he shall deny the Permit to Operate. The Air Pollution Control Officer shall not accept any further application for Permit to Operate the article, machine, equipment, or other contrivance so constructed until he finds that the article, machine, equipment or other contrivance has been reconstructed in accordance with the Authority to Construct.

RULE 2.9 Conditional Approval The Air Pollution Control Officer may issue an Authority to Construct or a Permit to Operate, subject to conditions which will bring the operation of any article, machine, equipment or other contrivance within the standards of Rule 2.8, in which case the conditions shall be specified in writing. Commencing work under such an authority to construct or operation under such a permit to operate, shall be deemed acceptance of all the conditions so specified. The Air Pollution Control Officer

shall issue an Authority to Construct or a Permit to Operate with revised conditions upon receipt of a new application, if the applicant demonstrates that the article, machine, equipment or other contrivance can operate within the standards of Rule 2.8 under the revised conditions.

RULE 2.10 Denial of Applications In the event of denial of an Authority to Construct or Permit to Operate, the Air Pollution Control Officer shall notify the applicant in writing of the reasons therefor. Service of the notification may be made in person or by mail, and such service may be proved by the written acknowledgment of the persons served or affidavit of the person making the service. The Air Pollution Control Officer shall not accept a further application unless the applicant has complied with objections specified by the Air Pollution Control Officer as his reasons for denial of the Authority to Construct or the Permit to Operate.

RULE 2.11 Further Information Before acting on an application for Authority to Construct or Permit to Operate, the Air Pollution Control Officer may require the applicant to furnish further information or further plans or specifications.

RULE 2.12 Appeals Within ten (10) days after notice, by the Air Pollution Control Officer, of denial or conditional approval of an Authority to Construct or Permit to Operate, the applicant may petition the Hearing Board, in writing, for a public

hearing. The Hearing Board, after notice and a public hearing held within thirty (30) days after filing the petition, may sustain or reverse the action of the Air Pollution Control Officer; such order may be made subject to specified conditions.

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RULE 2.13 Regulation for Public Availability of Emission Data.

A. The owner or operator of any stationary source in the Siskiyou County Air Pollution Control District shall, upon notification from the Control Officer maintain records of the nature and amounts of emissions from such source and/or any other information as may be deemed necessary by the Control Officer to determine whether such source is in compliance with applicable emission limitations or other control measures.

B. Emission data obtained from owners or operators of stationary sources pursuant to this will be correlated with applicable emission limitations and other control measures and will be available to the public during normal business hours at the Air Pollution Control District office.

REGULATION III - FEES

2/21/72

RULE 3.1 Hearing Board Fees To be established by resolution of the Board of Supervisors.

RULE 3.2 Permit Fees To be established by resolution of the Board of Supervisors.

RULE 3.3 Schedule of Fees (adopted by resolution of the Board of Supervisors.)

A. Filing Fee Every applicant, except any state or local governmental agency or public district, for an Authority to Construct or a Permit to Operate any article, machine, equipment, or other contrivance, for which an Authority to Construct or a Permit to Operate is required by the Rules and Regulations of the Air Pollution Control District, shall pay a filing fee of $20.00. Where an application is filed for a permit to operate any article, machine, equipment, or other contrivance by reason of transfer from one person to another, and where a Permit to Operate had previously been granted under Rule 2.1 and no alteration, addition or transfer of location has been made, the applicant shall pay only a $10.00 filing fee.

B. Permit Fee An applicant for a Permit to Operate shall pay in addition to the filing fee prescribed

herein, the fee for the issuance of a Permit to Operate in the amount prescribed in the following result in the automatic cancellation of the application and the permit shall be void.

F. Permit Granted by Hearing Board In the event that a Permit to Operate is granted by the Hearing Board after denial by the Air Pollution Control Officer or after the applicant deems his application denied, the applicant shall pay the fee prescribed in the following schedules within thirty (30) days after the date of the decision of the Hearing Board. Non-payment of the fee within this period of time shall result in automatic cancellation of the permit and application.

G. Duplicate Permit A request for a duplicate Permit to Operate shall be made in writing to the Air Pollution Control Officer within ten (10) days after the destruction, loss or defacement of a Permit to Operate and shall contain the reason a duplicate permit is being requested. A fee of $5.00 shall be paid for issuing a duplicate Permit to Operate.

H. Permit Fee Schedules The following permit fee schedules are to be paid by each applicant for a

Permit to Operate. It is not anticipated that these fees will cover the cost of maintaining a permit system, including periodic inspection. In determining the fees to be charged the equipment within each process that requires a permit will be totaled for each schedule. In the event that more than one fee schedule is applicable to a Permit to Operate, the governing schedule shall be that which results in the highest fee. If the permit is for a multi-component system, the total fee shall be based on the total of all components, not to exceed $500.00 maximum for each multi-component system.

(1) Electric Motor Horsepower Schedule Any equipment not exempted by Rule 2.2 which may cause the emission of air contaminants, where an electric motor is used as the power supply, shall be assessed a permit fee based on the total rated motor horsepower of all such electric motors included in any such equipment, in accordance with the following schedule:

Horsepower	Fee
up to and including 5	$ 10.00
greater than 5 but less than 25	15.00
25 or greater but less than 50	25.00
50 or greater but less than 75	37.50
75 or greater but less than 100	50.00
100 or greater but less than 150	62.50
150 or greater but less than 200	75.00
200 or greater but less than 400	100.00
400 or greater but less than 800	150.00
800 or greater but less than 1600	200.00
1600 or greater	250.00

(2) Fuel Burning Equipment Schedule Any equipment not exempted by Rule 2.2 which may cause the emission of air contaminants, in which fuel is burned (with the exception of incinerators which are covered below), shall be assessed a permit fee based upon the design fuel consumption of the equipment in thousands of British Thermal Units (BTU) per hour, using gross heating values of the fuel, in accordance with the following schedule:

1000 British Thermal Units Per Hour	Fee
up to and including 150	$ 10.00
greater than 150 but less than 500	15.00
500 or greater but less than 1,500	25.00
1,500 or greater but less than 5,000	50.00
5,000 or greater but less than 15,000	75.00

15,000 or greater but less than 50,000	100.00
150,000 or greater but less than 500,000	200.00
500,000 or greater	250.00

(3) Electrical Energy Schedule Any equipment not exempted by Rule 2.2 which may cause the emission of air contaminants, which uses electrical energy (with the exception of electric motors), shall be assessed a permit fee based on the total kilovolt ampere (KVA) ratings, in accordance with the following schedule:

Kilovolt Amperes	Fee
up to and including 45	$ 10.00
greater than 45 but less than 145	15.00
145 or greater but less than 450	25.00
450 or greater but less than 1,450	50.00
1,450 or greater but less than 4,500	75.00
4,500 or greater but less than 14,500	100.00
14,500 or greater but less than 45,000	150.00
45,000 or greater but less than 145,000	200.00
145,000 or greater	250.00

(4) Incinerator Schedule Any equipment not exempted by Rule 2.2 which may cause the emission of air contaminants, designed and used primarily to dispose of combustible refuse by wholly consuming the material charged leaving only the ashes or residue, (with the exception of such devices used exclusively as a dwelling for not more than four families), shall be assessed a permit fee based on the following schedule of the maximum horizontal inside cross sectional area, in square feet, of the primary combustion chamber:

Area, in Square Feet	Fee
up to and including 3	$ 7.50
greater than 3 but less than 6	10.00
6 or greater but less than 9	15.00
9 or greater but less than 16	25.00
16 or greater but less than 27	35.00
27 or greater but less than 47	50.00
47 or greater but less than 90	75.00
90 or greater but less than 200	100.00
200 or greater	125.00

(5) Stationary Container Schedule Any stationary tank, reservoir, or other container not exempted by Rule 2.2 which may cause the emission of air contaminants shall be assessed a permit fee

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based on the following schedule of capacities in gallons or volumetric equivalent:

Gallons	Fee
up to and including 4,000	$ 15.00
greater than 4,000 but less than 40,000	25.00
40,000 or greater but less than 400,000	50.00
400,000 or greater but less than 4,000,000	65.00
4,000,000 or greater	75.00

(6) Miscellaneous Schedule Any equipment not exempted by Rule 2.2 which may cause the emission of air contaminants, which is not included in the preceeding schedules shall be assessed a permit fee of $20.00.

I. Analysis Fees When the Air Pollution Control Officer finds that analysis of the emissions from any source is necessary to determine the extent and amount of pollutants being discharged into the atmosphere which cannot be determined by visual observation, he may order that samples be collected and analysis be made by qualified personnel. The time required for collecting samples, making the analysis, and preparing the necessary reports, shall be charged against the owner or operator of said premises as a reasonable

sum to be determined by the Air Pollution Control Officer. This amount may not exceed the actual cost of such work.

J. Technical Reports - Charges for Information, circulars, reports of technical work, and other reports prepared by the air pollution control district when supplied to other governmental agencies or individuals or groups requesting copies of the same may be charged for by the district in a sum not to exceed the cost of preparation and distribution of such documents. All such monies collected shall be turned into the general fund of the district.

K. Every applicant or petitioner for a variance or for the extension, revocation or modification of a variance, except any state or local governmental agency or public district, shall pay to the clerk of the Hearing Board, on filing, a non-refundable fee of $40.00. Such fees shall be determined pursuant to Section 24293.

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REGULATION IV - PROHIBITIONS

2/21/72

RULE 4.1 Visible Emissions Section 24242 - A person shall not discharge into the atmosphere from any single source of emission whatsoever, any air contaminant for a period or periods aggregating more than three minutes in any one hour which is:

A. As dark or darker in shade as that designated as No 2 on the Ringelmann Chart as published by the United States Bureau of Mines.

B. Of such opacity as to obscure an observer's view to a degree equal to or greater than does smoke described in subsection (A) of this section.

RULE 4.1-1 Exceptions to Visible Emissions Section 24242

A. Section 24245. The provisions of Section 24242 do not apply to smoke from fires:

(1) Set by or permitted by any public officer if such fire is set or permission given in the performance of the official duty of such officer, and such fire in the opinion of such officer is necessary:

(a) For the purpose of the prevention of a fire hazard which cannot be abated by any other means.

(b) The instruction of public employees in the methods of fighting fires.

(c) For the improvement of watershed, range, or pasture.

(2) Set pursuant to permit on property used for industrial purposes for the purpose of instruction of employees in methods of fighting fire.

B. Section 24251. The provisions of Section 24242 do not apply to:

(1) Agricultural operations in the growing of crops, or raising of fowls or animals.

(2) The use of an orchard or citrus grove heater which does not produce unconsumed solid carbonaceous matter at a rate in excess of one (1) gram per minute.

(3) The use of other equipment in agricultural operations in growing of crops, or raising of fowls or animals.

C. Section 24245.1 Set pursuant to an open burning permit issued by the Air Pollution Control Officer.

RULE 4.2 Nuisance Section 24243 No person shall discharge from any non-vehicular source whatsoever, such quantities of air contaminants or other material which cause injury, detriment,

nuisance or annoyance to any considerable number of persons or to the public or which endanger the comfort, repose, health or safety of any such persons or the public or which cause or have a natural tendency to cause injury or damage to business or property.

RULE 4.2-1 Exceptions to Section 24243, Nuisance

A. Section 24251.1 The provisions of Section 24243 relating to odors do not apply to odors emanating from agricultural operations in the growing of crops or raising of fowls or animals.

B. Section 29077.4 All exceptions as called out in visible emissions section.

RULE 4.3 Open Fires, Section 39296 No person shall, after December 31, 1971, use open fires for the purpose of disposal of petroleum wastes, demolition debris, tires, tar, trees, wood waste, or other combustible or flammable solid or liquid waste, or for metal salvage or burning of automobile bodies.

RULE 4.3-1 Exceptions to Section 39296 Open Fires

A. Section 39297 - Nothing in these Rules and Regulations shall be construed as limiting the authority granted under other provisions of law:

(1) To any public officer to set or permit a fire when such fire is, in his opinion, necessary for any of the following purposes:

(a) For the purpose of the prevention of a fire hazard which cannot be abated by any other means.

(b) The instruction of public employees in the methods of fighting fire.

(c) Set pursuant to permit on property used for industrial purposes for the purpose of instruction of employees in the methods of fighting fires.

(2) To set or cause to be set backfires necessary to save life or valuable property pursuant to Section 4426 of the Public Resources Code.

(3) To abate fires pursuant to Chapter 2, Part 1, Division 12 (commencing with Section 13025) of the California Health and Safety Code.

B. Section 39297.2 Nothing in these Rules and Regulations shall be construed as prohibiting burning for the disposal of combustible or flammable solid waste of a single or two-family dwelling on its premises.

C. Section 39297.3 Nothing in these Rules and Regulations shall be construed to prohibit burning for right-of-way clearing by a public entity or utility or for levee and ditch maintenance.

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D.

Section 39297.4 The Board, upon approval from the State Air Resources Board, shall permit a city, city and county, or county to use open outdoor fires for a limited time only, in its operation of a solid waste dump, upon the finding that because of sparse population in the geographical area and economic and technical difficulties, the solid waste dump should be so operated.

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RULE 4.4 No person shall discharge from any single source whatsoever particulate matter in excess of 0.3 grain per cubic foot of gas at standard conditions.

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RULE 4.5 Specific Air Contaminants No person shall discharge from any single source whatsoever any one or more of the following contaminants in any state or combination thereof, exceeding in concentration at the point of discharge:

A. Sulphur compounds calculated as sulphur dioxide-0.2 per cent, by volume.

B. Combustion contaminants - 0.3 grain per cubic foot of gas calculated to 12 per cent of carbon dioxide at standard conditions. In measuring the combustion contaminants from incinerators used to dispose of combustible refuse by burning, the carbon dioxide produced by combustion of any liquid or gaseous fuel shall be excluded from the calculation to 12 per cent of carbon dioxide.

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C. Fluorine compounds - emissions shall not exceed 2.5 milligrams per cubic meter gas at standard condition

D. Sulfides - after December 31, 1973 no person shall discharge total reduced sulfur from any recovery boiler in excess of 60.0 ppm. After December 31, 1973 no person shall discharge total reduced sulfur from any other sources in excess of one pound per ton of dry wood charged.

E. Oxides of nitrogen - no person shall discharge oxides of nitrogen in excess of 140 pounds per hour for new or expanded installations, calculated as nitrogen dioxide (NO_2).

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RULE 4.6 Dust and Fumes A person shall not discharge in any one hour from any source whatsoever, dust or fumes in total quantities in excess of the amount shown in the following table: To use the following table, take the process weight per hour, as such is defined in Rule 1.2 (R). Then find this figure on the table, opposite, which is the maximum number of pounds of contaminants which may be discharged into the atmosphere in any one hour. As an example, if (A) has a process which emits contaminants into the atmosphere and which process takes 3 hours to complete, he will divide the weight of all materials in the specific process, in this example, 1500 lbs. x 3, giving a process weight per hour of 500 lbs.

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The table shows that (A) may not discharge more than 1.77 lbs. in any one hour during the process. Where the process weight per hour falls between figures in the left hand column, the exact weight of permitted discharge shall be interpolated.

TABLE.

Process Wt/hr (lbs)	Maximum weight Disch/hr (lbs)	Process Wt/hr (lbs)	Maximum weight Disch/hr (lbs)
50	.24	3400	5.44
100	.46	3500	5.52
150	.66	3600	5.61
200	.85	3700	5.69
250	1.03	3800	5.77
300	1.20	3900	5.85
350	1.35	4000	5.93
400	1.50	4100	6.01
450	1.63	4200	6.08
500	1.77	4300	6.15
550	1.89	4400	6.22
600	2.01	4500	6.30
650	2.12	4600	6.37
700	2.24	4700	6.45
750	2.34	4800	6.52
800	2.43	4900	6.60
850	2.53	5000	6.67
900	2.62	5500	7.03
950	2.72	6000	7.37
1000	2.80	6500	7.71
1100	2.97	7000	8.05
1200	3.12	7500	8.39
1300	3.26	8000	8.71
1400	3.40	8500	9.03
1500	3.54	9000	9.36
1600	3.66	9500	9.67
1700	3.79	10000	10.0
1800	3.91	11000	10.63
1900	4.03	12000	11.28
2000	4.14	13000	11.89
2100	4.24	14000	12.50
2200	4.34	15000	13.13
2300	4.44	16000	13.74
2400	4.55	17000	14.36

2500	4.64	18000	14.97
2600	4.74	19000	15.58
2700	4.84	20000	16.19
2800	4.92	30000	22.22
2900	5.02	40000	28.3
3000	5.10	50000	34.3
3100	5.18	60000	40.0
3200	5.27	or	
3300	5.36	more	

RULE 4.7 Circumvention No person shall build, erect, install, or use any article, machine, equipment, or other contrivance, the use of which, without resulting in a reduction in the total release of air contaminant to the atmosphere, reduces or conceals an emission which would otherwise constitute a violation.

RULE 4.7-1 Exception to Circumvention Violations of Rule 4.2 (Nuisance) are excepted from Rule 4.7.

RULE 4.8 Analyses Required The Air Pollution Control Officer, at any time, may require from any person subject to the regulations of the Board, such information and/or analyses as will disclose the nature, extent, quantity or degree of air contaminants which are or may be discharged by such source and it is required that such disclosures be certified by a professional engineer registered in the state of California. Such studies shall be at the expense of the person causing the emission or planning such emission.

RULE 4.9 Gasoline Storage Section 39068.2

A. Any person who, after December 31, 1970, loads or permits the loading of gasoline into any stationary

tank with a capacity of 250 gallons or more from any tank truck or trailer, except through a permanent submerged fill pipe, unless such tank is a pressure tank as described in Section 39068.3, or is equipped with a vapor recovery system as described in Section 39068.4 or with a floating roof as described in Section 39068.5 or unless such tank is equipped with other apparatus of equal efficiency which has been approved by the Air Pollution Control Officer is guilty of a misdemeanor.

B. Any person who installs any gasoline tank with a capacity of 250 gallons or more which does not meet these requirements is guilty of a misdemeanor.

C. These requirements shall not apply to any stationary tank installed prior to December 31, 1970.

D. For the purpose of this section, "gasoline" means any petroleum distillate having a Reid vapor pressure of four pounds or greater.

E. For the purpose of this section "submerged fill pipe" means any fill pipe which has its discharge opening entirely submerged when the liquid level is six inches above the bottom of the tank. "Submerged fill pipe", when applied to a tank which is loaded from

the side, means any fill pipe which has its discharge opening entirely submerged when the liquid level is 18 inches above the bottom of the tank.

F. These sections shall not apply to any stationary tank which is used primarily for the fueling of implements of husbandry, as such vehicles are defined in Division 16 (commencing with Section 36000) of the Vehicle Code.

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RULE 4.10 Combination of Emissions

A. If air contaminants from two or more source operations are combined prior to emission and there are adequate and reliable means reasonably susceptible to confirmation and use by the control officer for establishing a separation of the components of the combined emission to indicate the nature, extent, quantity and degree of emission arising from each such source operation, this regulation shall apply to each such source operation separately.

B. If air contaminants from two or more source operations are combined prior to emission, and the combined emissions cannot be separated according to the requirements of Rule 4.10 (a), this regulation shall be applied to the combined emission as if it originated in a single source operation subject to the most stringent limitations and requirements placed by this Regulation on any of the source operations whose air contaminants are so combined.

RULE 4.11 Separation of Emissions If air contaminants from a single source operation are emitted through two or more emission points, the total emitted quantity of any air contaminant, limited in this regulation cannot exceed the quantity which would be the allowable emission through a single emission point; and the total emitted quantity of any such air contaminant shall be taken as the product of the highest concentration measured in any of the emission points and the exhaust gas volume through the source operation establishes the correct total emitted quantity.

RULE 4.12 Reduction of Animal Matter A person shall not operate or use any equipment for the reduction of animal matter unless all gases, vapors and gas-entrained effluents from such equipment are:

A. Incinerated at temperatures of not less than 1200 degrees Fahrenheit for a period of not less than 0.3 second, or

B. processed in such a manner determined by the air pollution control officer to be equally, or more effective for the purpose of air pollution control.

C. For the purpose of this rule; "reduction" is defined as any heated process, including rendering, cooking, drying, dehydrating, digesting, evaporating, and protein concentrating.

D. The provisions of this rule shall not apply to any equipment used exclusively for the processing of food for human consumption.

A person incinerating or processing gases, vapors or gas-entrained effluents pursuant to this rule shall provide, properly install and maintain in calibration, in good working order and in operation, devices, as specified in the permit or as specified by the air pollution control officer, for indicating temperature, pressure or other operating conditions.

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RULE 4.13 Orchard and Citrus Heaters, Section 39298.7, No new orchard or citrus heater produced or manufactured shall be sold for use against frost damage unless it has been approved by the Air Resources Board. No person shall use any orchard or citrus heater after January 1, 1972, unless it has been approved by the Air Resources Board, or does not produce more than one gram per minute of unconsumed solid carbonaceous material.

RULE 4.14 Uncombined Water When the presence of uncombined water is the only reason for the failure of an emission to meet the limitation of the visible emissions limitation (Section 24242), that rule shall not apply. The burden of proof which establishes the application of this exception shall be upon the person seeking to come within its provisions.

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REGULATION V - PROCEDURE BEFORE THE HEARING BOARD

2/21/72

RULE 5.1 Applicable Articles of the Health and Safety Code The provisions of Article 5 and 6, Chapter 2, Division 20 of the State of California Health and Safety Code, as amended, respectively entitled "Variances" and "Procedure", are incorporated herein by this reference.

RULE 5.2 General This procedure shall apply to all hearings before the Hearing Board of the Air Pollution Control District.

RULE 5.3 Filing Petitions Request for a hearing shall be initiated by the filing of a petition in triplicate with the Clerk of the Hearing Board who shall be the County Clerk acting ex-officio, and the payment to said Clerk of the fee provided in Rule 3.1. No fee shall be required for the filing of a petition by a public agency or a public officer acting in scope of his official capacity.

RULE 5.4 Contents of Petitions Every petition shall state:

A. the name, address, and telephone number of the petitioner or other person authorized to receive service of notice.

B. Whether the petitioner is an individual, co-partnership, corporation, or other entity; names and addresses of partners if a co-partnership; names and addresses of the persons in control if other entity.

C. The type of business or activity involved in the

application, and the street address at which it is conducted.

D. A brief description of the article, machine, equipment or other contrivance, if any involved in the application.

E. Whether the petitioner desired a hearing:

(1) For a variance under Section 24292. Health and Safety Code.

(2) For an alleged violation.

(3) Other matter specified in Division 20, Chapter 2, Health and Safety Code.

F. Each petition shall be signed by the petitioner, or some person on his behalf, and where the person is not the petitioner, it shall set forth his authority to sign.

G. All petitions shall be typewritten, double spaced, on letter size paper, on one side of the paper only, leaving a margin of at least one inch at the top and left side of each sheet.

H. In the event that the Petitioner desires a hearing for an alleged violation pursuant to the provisions of Rule 5.4 (E), said petition shall contain the following statements:

(1) Statement required by Rule 5.4 (A)

(2) Statement required by Rule 5.4 (B)

(3) Statement required by Rule 5.4 (C)

(4) Statement required by Rule 5.4 (D)

(5) The exact date and hour upon which the alleged violation took place and the duration of the alleged violation, or, alternatively, the exact duration of the time of observation of the alleged violation.

(6) The precise location of the alleged violation and the location of the observer or observers of said alleged violation.

(7) A statement as to the exact nature of the violation including, but not limited to, a definitive statement of the nature of the contaminant involved in said alleged violation.

(8) A statement setting forth the section of the Air Pollution Control Ordinance which is alleged to have been violated.

(9) A statement of the results of any scientific or technical tests used by the petitioner in support of his claim of alleged violation. The date, time, place, and circumstances of the taking of said tests, along with the name or names and addresses of all persons participating in the making of said tests.

(10) The name or names of all persons who were wit-

nesses to the alleged act of violation.

(11) Statement required by Rule 5.4 (F).

(12) The form required by Rule 5.4 (G).

RULE 5.5 Petition for Variances In addition to the matters required by Rule 5.4, Petition for Variance shall state briefly:

A. The section, rule, or order complained of.

B. The facts showing why compliance with the section, rule, or order is unreasonable.

C. For what period of time the variance is sought and why.

D. The damage or harm resulting or which would result to petitioners from a compliance with such section, rule, or order.

E. The requirements which petitioner can meet and the date when petitioner can comply with such requirements.

F. The advantages and disadvantages to the residents of the district resulting from granting a variance.

RULE 5.6 Failure to Comply with Rules The Clerk of the Hearing Board shall not accept for filing any petition which does not comply with these rules relating to the form, filing, and service of petitions.

RULE 5.7 Answers Any interested person may file an answer within ten (10) days after service.

RULE 5.8 Withdrawal of Petition The petitioner may with-

draw his petition at any time before submission of the case to the earing Board, without a hearing or meeting of the Hearing Board. The Clerk of the Hearing Board shall notify all interested persons of such withdrawal.

RULE 5.9 Place of Hearing All hearings shall be held at the time and place designated by the Hearing Board.

RULE 5.10 Notice of Hearing The Clerk of the Hearing Board shall mail or deliver a notice of hearing to the petitioner, the Air Pollution Control Officer, the holder of the permit or variance involved, if any, and to any person entitled to notice under Sections 24275, 24295, or 24299, Health and Safety Code.

RULE 5.11 Rules of Evidence and Procedure

A. Oral evidence may be taken on oath or affirmation.

B. Each party shall have the right to call and examine witnesses, to introduce exhibits, to cross-examine opposing witness on any matter relevant to the issues, and to rebut the evidence against him.

C. The formal rules of evidence or procedure which must be followed in a court proceeding shall not be applicable. Any relevant evidence shall be admitted if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs. Hearsay evidence may be used for the purpose of supplementing or explaining any direct evidence but shall not be sufficient in itself to

support a finding unless it would be admissible over objection in civil actions. The rules of privilege shall be effective to the same extent that they are now or hereafter may be recognized in civil actions, and irrelevant and unduly repetitious evidence shall be excluded.

RULE 5.12 Record of Proceedings A record of all proceedings before the Hearing Board shall be made. The record shall be a written summary of all the evidence, testimony and proceedings presented at the hearing made by a person designated by the Hearing Board for that purpose. One copy of such transcript, certified to by the recorder as to its accuracy, shall be forwarded to the Air Pollution Control Officer.

RULE 5.13 Preliminary Matters Preliminary matters such as setting a date for hearing, granting continuances, approving petitions for filing, allowing amendments and other preliminary rulings not determinative of the merits of the case, may be made by the Chairman or any two members of the Hearing Board without a hearing or meeting of the Hearing Board and without notice.

RULE 5.14 Official Notice The Hearing Board may take official notice of any matter which may be judicially noticed by the courts of this state.

RULE 5.15 Continuances The Chairman or any two members of the Board shall grant any continuance of fifteen (15) days or less, concurred in by petitioner, and the Air Pollution Control Officer,

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and may grant any reasonable continuance; in either case, such action may be exparte, without a meeting of the Hearing Board and without prior notice.

RULE 5.16 Hearing and Decision All hearings shall be held by two or more members of the Board. The decision shall be in writing served and filed within fifteen (15) days after submission of the cause by the parties thereto and shall contain a brief statement of facts found to be true, the determination of the issues presented, and the order of the Hearing Board. A copy shall be mailed or delivered to the Air Pollution Control Officer and the Petitioner.

RULE 5.17 Effective Date of Decision The decision shall become effective fifteen (15) days after delivering or mailing a copy of the decision, as provided in Rule 5.15, or the Hearing Board may order that the decision shall become effective sooner.

RULE 5.18 Issuance of Subpoenas Subpoenas Duces Tecum Whenever the members of the Hearing Board conducting any hearing deem it necessary to examine any person as a witness at such hearing, the Chairman of the Hearing Board shall issue a subpoena, in proper form, commanding such person to appear before it at a time and place specified to be examined as a witness. The subpoena may require such person to produce all books, papers, and documents in his possession or under his control to such hearing.

7/25/73

IMPLEMENTATION PLAN

FOR

AGRICULTURAL BURNING

INTRODUCTION

Burning has been a tool used in agriculture for many years. It has been used to control weeds and pests and dispose of waste materials Alternatives have been developed in some instances but additional research is needed to develop techniques that may completely eliminate the need for open burning.

This plan was developed with the understanding that alternatives to open burning will be used in all possible cases, and that burning will be used only as a last resort. Without the development and utilization of alternatives, this plan will not reduce the quantity of air contaminants discharged into the atmosphere, but will only aide in the dispersion and dilution of them.

7/25/73

GENERAL

In accordance with Section 39298.8 of the California Health and Safety Code, each district in the State shall adopt an implementation plan consistent with the Agricultural Burning Guidelines. Local authorities, within each basin, may jointly adopt an implementation plan for their combined areas.

The plan shall be adopted by regulation and any violation of the provisions of the plan is a misdemeanor punishable by imprisonment in the county jail not exceeding six (6) months, or by a fine not exceeding five-hundred dollars ($500.), or both, and the cost of extinguishing the fire. Every day during any portion of which such offense occurs constitutes a separate offense.

The fire control agency designated by the Board and having jurisdiction over the site of the burn and the air pollution control district shall enforce these Rules and Regulations.

DEFINITIONS

A. "Agricultural burning" means open outdoor fires used in agricultural operations in the growing of crops or raising of fowls or animals, forest management, or range improvement, or used in improvement of land for wildlife and game habitat (Section 39295.6 of the California Health and Safety Code).

B. "Open burning in agricultural operations in the growing of crops or raising of fowls or animals" means:

1. The burning in the open of materials produced wholly from operations in the growing and harvesting of crops or raising of fowls or animals for the primary purpose of making a profit, or instruction by an educational institution; and

2. In connection with operations qualifying under subdivision 1. :

a. The burning of grass and weeds in or adjacent to fields in cultivation or being prepared for cultivation; and

b. The burning of material not produced wholly from such operations, but which are intimately related to the growing or harvesting of crops and which are used in the field, except as prohibited by district regulations. Examples are fertilizer

and empty pesticide sacks or containers, where the sacks or containers are emptied in the field

C. "Range improvement burning" means the use of open fires to remove vegetation for wildlife, game or livestock habitat or for the initial establishment of an agricultural practice on previously uncultivated land.

D. "Forest management burning" means the use of open fires, as part of a forest management practice, to remove forest debris. Forest management practices include timber operations, silvicultural practices or forest protection practices.

E. "Brush treated" means that the material to be burned has been felled, crushed or uprooted with mechanical equipment, or has been desiccated with herbicides.

F. "Timber operations" means cutting or removal, or both, of timber or other forest vegetation.

G. "Silvicultural" means the establishment, development, care and reproduction of stands of timber.

H. "Board" means the State Air Resources Board, or any person authorized to act on its behalf.

I. "Designated agency" means any agency designated by the Board as having authority to issue agricultural burning permits. The U.S. Forest Service, and the California Division of Forestry are so designated within their respective areas of jurisdiction.

J. A "no-burn" day means any day on which agricultural burning is prohibited by the Board or the local district.

K. A "permissive-burn" day means any day on which agricultural burning is not prohibited by the Board.

L. "District" means the Siskiyou County Air Pollution Control District

M. "Approved ignition device" includes those instruments or materials that will ignite agricultural waste without the production of black smoke by the ignition device. This would include such items as liquid petroleum gas, butane, propane, or diesel oil burners, flare and petroleum fuel boosters (blivets) but does not include the use of tires, tar paper, oil and other similar materials.

N. "Permit" means an Agricultural burning permit issued pursuant to the Siskiyou County Air Pollution Control District's Rules and Regulations.

NOTIFICATION OF BURNING CONDITIONS

A. Commencing December 20, 1972, a notice as to whether a day is permissive-burn day or a no-burn day will be provided to the District by the California Air Resources Board each morning by 0745. This notice will be incorporated in a normal weather report and will be transmitted to the general public by announcement over local radio stations, television stations and the weather service VHF network

B. An advisory forecast as to whether the following day will be a permissive-burn or a no-burn day will be provided to the local District by the California Air Resources Board each afternoon at 1300. This notice will also be incorporated in weather reports to local news media.

C. Upon requests from a permittee through a designated agency, seven days in advance of a specific range improvement burn or of a specific forest management burn above 3,000 feet a permissive-burn or no-burn notice will be issued by the Board up to 48 hours prior to the date scheduled for the burn. Without further request a daily notice will continue to be issued until a permissive-burn notice is issued.

D. A permissive-burn or no-burn advisory outlook will be available up to 72 hours in advance of burns specified in the proceeding Section C.

E. The Board may cancel permissive-burn notices that had been issued more than 24 hours in advance if the cancellation is necessary to maintain suitable air quality.

F. Burning forecast will be made covering the entire California Northeast Plateau Air Basin, however, more restrictive conditions may be specified for the Siskiyou County Air Pollution Control District.

EXCEPTIONS

A. Open burning in agricultural operations in the growing of crops or raising of fowl or animals at altitudes above 3,000 feet mean sea level (msl), is exempt from the Agricultural Burning Implementation Plan.

B. Agricultural burning in areas at altitudes above 6,000 feet msl is exempt from the Agricultural Burning Implementation Plan.

C. Burning of agricultural related items such as, empty pesticide containers and toxic fertilizer bags, may be permitted, by the Air Pollution Control Officer, on no-burn days. Burning will be done in accordance with stated burning preparations and consideration for fire danger.

D. The Air Pollution Control Officer may allow, by special permit, agricultural burning on a no-burn day, if denial of such permit would threaten imminent and substantial economic loss. The applicant shall submit in writing, on a form provided, his reasons for the exception.

ENFORCEMENT

A. No person shall knowingly set or permit any open burning operation on days within a period prohibited by the California Air Resources Board or the District.

B. Penalty - Any violation of the agricultural burning requirements stated in these procedures is a misdemeanor, under Section 39299

of the California Health and Safety Code, punishable by imprisonment in the County jail not exceeding six (6) months, or by fine not exceeding five hundred dollars ($500.) or both, and the cost of putting out the fire. Every day, during any portion of which such violation occurs constitutes a separate offense.

C. Procedures -

1. Open Burning

a. Compalint received or burning observed.

b. Investigation (fire protection agency or air pollution control district)

(1) Determine responsible person.

(2) Determine who ordered fire.

(3) Ask for permit.

(4) Determine section of regulations prohibiting such acts.

2. If violation exists

a. Action taken

(1) Obtain all pertinent information for report - name, address, location of burn, material, wind direction, description of fire and smoke, statements made by subject, witnesses, photos if possible.

(2) Issue citation to appear (Section Penal Code 836.5)

(3) If citation can not be issued because of complexities of the violation or the magnitude of the violations, the following may be pursued:

(a) Investigation: same as above.

(b) Review file with Air Pollution Control Officer.

(c) Ask District Attorney for complaint or injunctive action.

(4) May issue official notice to cease and desist - subject to judgment of officer.

PROHIBITIONS - General

A. No person shall knowingly set or permit agricultural burning unless he has a valid permit from the designated agency in the area where the burn will take place.

B. A permit shall not be issued to an applicant unless information is provided as required by the designated fire protection agency for fire protection purposes.

C. A permit shall not be issued to an applicant unless information is provided as required by the District.

D. All material to be burned shall be reasonably free of dirt, soil, and excess moisture.

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E. Wherever possible, wastes shall be piled or windrowed in such a manner as to burn with maximum possible heat density and minimum smoke.

F. All burning shall be ignited as rapidly as practicable within applicable fire control restrictions.

G. All wastes shall be free of tires, tar paper, construction debris, or other types of rubbish likely to cause excessive smoke or obnoxious odors.

H. Special consideration shall be given to burning operations confine to narrow inland river valleys where smoke containment may be restricted within the river basin and greatly decrease the prevailing visibility.

I. All materials to be burned shall be ignited with an approved ignition device.

J. A permit shall not be valid for any day in which burning is prohibited by the designated fire control agency having jurisdiction over the site of the burn for the purposes of fire control or prevention.

K. A permit shall be valid for only those days which agricultural burning is not prohibited by the Board or the District.

L. Open outdoor fires must be controlled to such an extent as is technically and economically feasible to meet all Federal and State air quality standards pertaining to air pollutants created by open burning operations.

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M. Material shall not be burned unless it has been allowed to dry for the following minimum time periods:

1. Open burning in agriculture operations

   a. Dry cereals: 0 days

   b. Prunings and small branches: 3 weeks

   c. Large branches (6 inches and larger) and trees: 8 week

2. Range improvement burning

   a. Treated brush: as required by designated agency issuing the permit.

   b. Unwanted trees: 3 months

   c. All unwanted trees over six (6) inches in diameter shall be felled.

3. Forest management burning

   a. As required by designating agency issuing the permit.

N. The Air Pollution Control Officer may restrict burning to selected permittees on designated burn days if total tonnage to be ignited would discharge a volume of contaminants into the atmosphere sufficient to cause State ambient air quality standards to be exceeded.

O. Maximum care must be taken to keep smoke from drifting into populated areas.

P. Permittee should not burn when winds exceed 20 miles per hour or when weather conditions are unsafe to burn.

Q. All fires in any agricultural burning operation shall be started on burn days.

PROHIBITIONS : I. Range Improvement Burning

A. Between January 1 and May 31, range improvement burning may be conducted by permit on a NO-BURN-DAY, providing that more than 50% of the land has been brush treated.

Notwithstanding the provisions in Subdivision A of this sectio the Board may prohibit range improvement burning during the period designated by the district if in the opinion of the Board, such prohibition is required for the maintenance of suitable air quality

B. If the burning is to be done primarily for improvement of land for wildlife and game habitat, no permit shall be issued unless the applicant has filed with the District a statement from the Department of Fish and Game, certifying that the burn is desirable and proper.

C. The brush shall be treated if economically and technically feasible prior to the burn.

PROHIBITIONS II. Forest Management Burning

A. Unless good silvicultural practice dictates otherwise, material shall not be burned until it has been windrowed or piled where possible.

BURNING PERMITS - General

The public has been accustomed to obtaining burning permits from the various fire protection agencies. There are stations strategically located in most areas, and it would be logical to designate these

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agencies as the person to issue the permits for agricultural burning. These agencies would also be in the position to coordinate air quality control criteria as well as fire protection criteria that would relate to the agricultural burning.

A. The burning permit shall be prepared in sufficient copies to provide information to the various agencies of concern. The permittee shall have his copy available for inspection at the burn site. This procedure will minimize any charges of burning without a valid permit.

B. In order to provide for proper control of the agricultural burning, a separate permit shall be obtained for each burning operation as well as for each different burn site. A burning operation may extend over several days, but it must be the same type of material and on the same burn site.

C. The permit shall be issued for the length of time necessary to complete the burning operation. The permittee shall contact the local fire protection agency prior to each day's burn to determine if it is an authorized burn day as well as informing them that a burn is about to take place.

D. The application for a burning permit shall be reviewed by the issuing agency. If the burn is likely to cause a nuisance, or the

request is not consistent with agricultural burning, the permit shall not be issued until approval is obtained from the Air Pollution Control District. A nuisance might be caused if the location of the burn site and the direction of the prevailing winds will direct the air contaminants toward an adjacent residential area.

E. Each permit issued pursuant to these procedures shall bear a statement of warning containing the following words or words of like or similar import:

"This permit is valid only on those days which agricultural burning is not prohibited by the California Air Resources Board pursuant to Section 39298 or the local air pollution control district."

F. All burning permits will be issued by the designated fire control agency having jurisdiction in the area of the proposed burn and shall state thereon the type of material to be burned, estimated tonnage or acreage of waste to be burned, and the classification of the burning under which the permit was issued.

AGRICULTURAL BURNING REPORTS

Either of the following methods may be used for the report.

1. The permittee shall be required to call the designating agency issuing the permit prior to each burn. The designated agency shall log the information required on the form provided by the Air Pollution Control District. The log shall be forwarded to the Air

Pollution Control District at the end of each month.

2. Reporting cards shall be provided by the Air Pollution Control District to the designating agency for distribution. The permittee shall complete a reporting card for the material burned each day and mail the card within 48 hours.

3. Persons requesting advance notification for a specific range improvement burn or of a specific forest management burn above 3,000 feet shall submit to the California Air Resources Board a notification request card which may be obtained at the designated agencies.